

## **REMARKS**

The Office Action mailed February 6, 2003 has been received and the Examiner's comments carefully reviewed. Claims 1, 9, 14, 20, 26, 29, 33 and 35 have been amended. No new subject matter has been added. Claims 7, 8, and 34 have been cancelled. Claims 1-6, 9-33, and 35-36 are currently pending. Applicants respectfully submit that the pending claims are in condition for allowance.

### **Drawings Objections**

The drawings have been amended to address the Examiner's reference number objections. In particular, Figures 12 and 13 have been amended to incorporate reference number 120 related to an end, as recited in the original description on page 8, line 30. In addition, Figures 1, 3-4, and 9 have been amended to delete the reference number 24 not mentioned in the original description.

With regards to the objection of Figure 9 concerning reference number 82, Applicants note that reference number 82 is mentioned in the description on page 7, line 13. With regards to the objection of Figures 10 and 12 concerning reference number 142, Applicants note that reference number 142 is mentioned in the description on page 10, line 10.

In light of the above amendments, Applicants respectfully request withdrawal of the objection to the drawings.

### **Specification Objections**

The specification has been amended to address the Examiner's objection concerning the recitation of Figures on page 3, line 19. Withdrawal of this objection is respectfully requested.

### **Claim Objections**

The Examiner objected to claim 34 as being of improper dependent form. Claim 34 has been cancelled. Withdrawal of this objection is respectfully requested.

### **Rejections Under 35 U.S.C. §102**

I. The Examiner rejected claims 1-2, 12-15, 26-31, 33-34, 36 under 35 U.S.C. §102(e) as being anticipated by Vidacovich et al. (U.S. Patent 5,402,515). Applicants respectfully traverse these rejections, but have amended claims 1, 14, 26, 29, and 33 to advance this application to allowance. Applicants reserve the right to pursue the original subject matter via a continuing application.

#### **A. Claims 1-2 and 12-15**

Claim 1 has been amended to incorporate the subject matter of dependent claim 8 and intervening claim 7. The Examiner has rejected the subject matter of claim 1, 7, and 8, as being unpatentable over Vidacovich et al. in view of Xiromeritis et al. Applicants respectfully traverse this rejection.

Vidacovich discloses a fiber distribution frame having a connector tray 124 with a bracket 138 interconnected to a pivot pin 136. The tray 124 includes latching clips 140, 142 that engage a clasp 144 positioned at the front opening of a cabinet 122.

Xiromeritis discloses a car seat having a multiple axis pivoting tray table. Specifically, the tray table 24 has a multiple axis pivot mount 56 that can pivot downward from an upright position about a horizontal axis 74 to extend outward from the car seat. The tray table 24 can then laterally pivoted about a vertical axis 62 for use as a side table.

The Examiner has rejected claim 8 (now incorporated into claim 1) by combining the multiple axis pivot mount 56 of Xiromeritis with the connector tray 124 of Vidacovich. Applicants respectfully submit that the art references cannot be combined to establish an obviousness rejection because first, there is no motivation in either reference to modify or combine the references; and second, the art references relied upon are not analogous.

One of the features of the present disclosure relates to a cable storage tray arrangement including trays that pivot from a frame to provide access to slack cable stored on a tray spool. The storage tray arrangement recited in claim 1 includes a detent-recess arrangement configured to permit a tray to be selectively pivotally mounted relative to a post in a plurality of discrete positions.

Neither reference provides the motivation to modify either reference to include the features of claim 1. In particular, Vidacovich teaches a tray 124 that pivots about a pin 136.

The tray includes a latching clip 142 that secures to a clasp 144 to retain the tray in the position shown in FIG. 10A. The latching clip 142 can be unlatched so that the tray pivots to the position shown in FIG. 10B wherein another latching clip 140 secures to the clasp 144 to retain the tray. Last, the latching clip 144 can be unlatched so that the tray 124 can be pivoted to the position shown in FIG. 10C.

Vidacovich teaches a latch and clasp arrangement. There simply is no reason or motivation to change the latch and clasp arrangement to a recess and detent arrangement, as recited in claim 1. Xiromeritis et al. also does not provide reason or motivation to change the latch and clasp arrangement of Vidcovich to a recess and detent arrangement. The mere possibility that reference could be combined is insufficient to support a conclusion of obviousness. Berline Corp. (Fed. Cir. 1998). It is improper use hindsight reconstruction to pick and choose among isolated disclosures to deprecate the claim invention. Ecoluchem (Fed. Cir. 2000). Moreover, Xiromeritis does not show or illustrate a detent and recess arrangement, rather only states in the specification that the pivot post 72 can be provided with a detent mechanism (not shown). Applicants respectfully submit that the Xiromeritis disclosure is not sufficiently enabling to teach a detent and recess arrangement as recited.

In addition, to rely upon a reference as a basis for rejection, the reference must either be in the field of applicants' endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned. It is submitted that a car seat tray table is not within the Applicants' endeavor. It is further submitted that tray tables for car seats would not "logically commend an inventor's attention in considering his problem." MPEP 2141.01(a). That is, to solve the problem of cable storage management concerning cable storage trays, a person of ordinary skill would not reasonably be expected or motivated to look at car seat tray tables.

For at least these reasons, Applicants respectfully submit that independent claim 1, and dependent claims 2 and 12-15 are patentable.

**B. Claims 26-31**

Claim 26 recites a method including providing a first tray with a mounting construction that has a pivot axis. The mounting construction also includes positioning

structure configured to selectively and pivotably mount the first tray in a plurality of positions.

Vidacovich does not disclose a mounting construction having a pivot axis and a positioning structure. Vidacovich teaches a pivot pin 136 about which a tray pivots. The pivot pin 136 does not include positioning structure, as recited in claim 26. Rather Vidacovich relies upon latching clips 140, 142 positioned at an end of the tray opposite from the mounting construction having a pivot axis (i.e. the pivot pin 136). At least because Vidacovich does not disclose a mounting construction having a pivot axis and positioning structure, Applicants respectfully submit that independent claim 26 and dependent claim 27-31 are patentable.

C. Claims 33, 34, and 36

Claim 33 recites a fiber management system including first and second trays, and a mounting construction. The mounting construction includes a pivot axis and a positioning structure. The first and second trays are configured to selectively engage the positioning structure of the mounting construction to pivotably mount the first and second trays relative to the wall at a selected position.

Vidacovich does not disclose a mounting construction including a pivot axis and a positioning structure. Accordingly, Vidacovich does not disclose an arrangement wherein first and second trays engage a positioning structure of a mounting construction. Rather, each of the trays of Vidacovich has clips that engage separate and individual latching clasps 144. Each of the latching clips and clasps 140, 142, 144 is separate from a mounting construction having a pivot axis (i.e. the pivot pin 136).

For at least these reasons, Applicants respectfully submit that independent claim 33 and dependent claims 34 and 36 are patentable.

**Rejections Under 35 U.S.C. §103**

II. The Examiner rejected claims 3-7, 20-21, and 23 under 35 U.S.C. §103(a) as being unpatentable over Vidacovich et al. (U.S. Patent 5,402,515) in view of Swenson et al. (U.S. Publication No. US-2002/0131749). Applicants respectfully traverse these

rejections. Nevertheless, Applicants have amended claim 20 and cancelled claim 7 to expedite prosecution of this application to allowance.

A. Claims 3-6

Claims 3-6 depend upon claim 1. In view of the remarks regarding independent claim 1, further discussion regarding the independent patentability of dependent claims 3-6 is believed to be unnecessary. Applicants submit that dependent claims 3-6 are patentable.

B. Claims 20, 21, and 23

Claim 20 recites a storage tray for storing cable slack including a sidewall projecting from a base. The sidewall and base define a neck having a flared entrance, the neck includes a curved trough extending from the storage region toward the flared entrance through a cable entry region. The cable entry region has a width of no more than 50% of a width of the storage region.

The Vidacovich embodiment of FIG. 10A does not teach or suggest a neck having a flared entrance and a curved trough extending from a storage region through a cable entry region. Rather, the tray of Vidacovich teaches a squared-off cable entrance region. The tray also does not have a neck defining a cable trough. In the alternative, the Vidacovich embodiment of FIG. 4 does not teach a tray having a neck or a cable entry region having a width of no more than 50% of the storage region (i.e. storage area 32). For example, as shown in FIG. 4, the entrance (adjacent to reference number 52) has a width greater than 50% of the storage area 32.

Vidacovich fails to meet the structural limitations of claim 20, and Swenson does not make up for the deficiencies. Because each and every element cannot be met by the cited references, Applicants respectfully submit that independent claim 20, and dependent claims 21 and 23 are patentable over the cited references.

III. The Examiner rejected claims 18-19, 32, and 35 under 35 U.S.C. §103(a) as being unpatentable over Vidacovich et al. (U.S. Patent 5,402,515). Although Applicants

respectfully traverse this rejection, Applicants have amended claims 1, 9, 14, and 35 and cancelled claim 7 and 8 to expedite prosecution of this application to allowance.

Claims 18 and 19 depend upon claim 1. Claim 32 depends upon claim 26. Claim 35 depends upon claim 33. In view of the remarks regarding independent claims 1, 26 and 33, further discussion regarding the independent patentability of dependent claims 18-19, 32 and 35 is believed to be unnecessary. Applicants submit that dependent claims 18-19, 32 and 35 are patentable.

IV. The Examiner rejected claims 8-11 and 22 under 35 U.S.C. §103(a) as being unpatentable over Vidacovich et al. (U.S. Patent 5,402,515) in view of Swenson et al. as applied to claims 3-7, 20-21, and 23 above, and further in view of Xiromeritis et al (U.S. Patent 6,082,815). Although Applicants respectfully transverse this rejection, Applicants have amended claim 9 and cancelled claim 8 to expedite prosecution of this application to allowance.

Claims 9-11 depend upon claim 1. Claim 22 depends upon claim 20. In view of the remarks regarding independent claims 1 and 20, further discussion regarding the independent patentability of dependent claims 9-11 and 22 is believed to be unnecessary. Applicants submit that dependent claims 9-11 and 22 are patentable.

V. The Examiner rejected claims 16-17, 24-25 under 35 U.S.C. §103(a) as being unpatentable over Vidacovich et al. (U.S. Patent 5,402,515) in view of Xiromeritis et al (U.S. Patent 6,082,815). Applicants respectfully traverse this rejection.

A. Claims 16-17

Claims 16-17 depend upon claim 1. In view of the remarks regarding independent claim 1, further discussion regarding the independent patentability of dependent claims 16-17 is believed to be unnecessary. Applicants submit that dependent claims 16-17 are patentable.

### B. Claims 24-25

Claim 24 recites a storage tray for storing cable slack including a sidewall projecting from a base, the side wall including first and second curved arms that define an arched opening sized to engage a mounting post. The tray also includes a detent protruding from the sidewall in the arched opening between the first and second curved arms.

Vidacovich does not teach or suggest a sidewall having an arched opening defined by curved arms, or a detent protruding from the sidewall in the arched opening. Rather, Vidacovich teaches a common pin 136 that passes through a bracket 138. The bracket 138 simply does not include first and second curved arms defining an opening that engages a mounting post, rather Vidacovich teaches a hole in a bracket. Moreover, if a detent were positioned to protrude within the hole, the pin would not pass through the bracket, rendering the mounting arrangement inoperable.

To support a finding of obviousness, each and every element must be shown by the references. Because none of the cited art discloses the structural limitations recited by claim 24, Applicants respectfully submit that independent claim 24 and dependent claim 25 are patentable.

### SUMMARY

It is respectfully submitted that each of the presently pending claims (claims 1-6, 9-33, and 35-36) is in condition for allowance, and notification to that effect is requested. The Examiner is invited to contact Applicants' representative at the below-listed telephone number if it is believed that prosecution of this application may be assisted thereby.

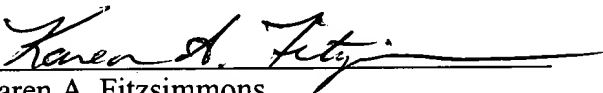
Although certain arguments regarding patentability are set forth herein, there may be other arguments and reasons why the claimed invention is patentably distinct. Applicants reserve the right to raise these arguments in the future.



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Respectfully submitted,

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